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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/624,133 | 07/21/2003 | Theodore W. Rogers | 34741-872 | 8021 |

7590 06/19/2006
O'MELVENY & MYERS LLP
Embarcadero Center West
26th Floor
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EXAMINER

KRAMER, DEAN J

| | |
|----------|--------------|
| ART UNIT | PAPER NUMBER |
|----------|--------------|

3652

DATE MAILED: 06/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|-----------------|---------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 10/624,133 | ROGERS ET AL. | |
| | Examiner | Art Unit | |
| | Dean J. Kramer | 3652 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-8 and 17-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-6 and 17-21 is/are rejected.
- 7) ☒ Claim(s) 7 and 8 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 6/1/06 has been entered.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Thomas et al. (6,116,848).

The patent to Thomas et al. shows a end effector comprising a wafer blade (14), a pair of arm assemblies (34) including contact pads (48), means (38) for moving the pads, and a real-time force feedback system (50,56,58) capable of dynamically adjusting the force exerted on a wafer while being gripped by the contact pads (48).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 3, 17, 18, 20, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thomas et al. in view of Donde et al. (5,788,453).

Thomas et al. was presented above in section 3 and substantially show the invention as set forth in the above claims except for a force sensing means on their gripper arms.

However, the Donde et al. patent shows a wafer gripping device having piezoelectric gripping pads with force sensing means incorporated in each pad.

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a force sensing means on the grippers of the Thomas et al. end effector as taught by Donde et al. so that different sized wafers could be securely held but not damaged by the moveable gripper arms. In regard to claims 20 and 21, it would have been an obvious matter of design choice to use any well known force sensor, such as a load cell or strain gauge, as is commonly used in the robotics art especially since applicant has not specifically disclosed that this particular type of force sensor solves any stated problem or is for any critical purpose.

5. Claims 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Thomas et al. in view of Donde et al. as applied to claims 3, 17, 18, 20, and 21 above, and further in view of Fossey et al. (5,988,971).

Fossey et al. shows a wafer handling blade including a plurality of capacitance sensors (61,62) for detecting the presence of a wafer without actually contacting the wafer.

It would have been obvious to a person having ordinary skill in the art to provide the modified Thomas et al. device, presented supra, with capacitance sensors similar to those shown in the Fossey et al. patent in order to properly orient the resulting gripper arms with respect to a wafer without have to first contact the wafer and possibly damage its surface.

6. Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thomas et al. in view of Bacchi et al. (6,256,555).

The Bacchi et al. patent shows a wafer handling blade with thru-beam optical sensors (80,82) for accurately detecting the edge of a wafer.

It would have been obvious to one of ordinary skill in the art to provide edge sensors similar to those shown in the Bacchi et al. patent on the contact pads the Thomas et al. device as an effective means of sensing the edge of a wafer.

Allowable Subject Matter


7. Claims 7 and 8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Art Unit: 3652

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dean J. Kramer whose telephone number is (571) 272-6926. The examiner can normally be reached on Mon., Tues., Thurs., Fri. (7:00-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eileen Lillis can be reached on (571) 272-6928. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

 6/12/06
Dean J. Kramer
Primary Examiner
Art Unit 3652

djk
6/12/06